Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Reform of Certain Part 61 Tariff Rules	)	WC Docket No. 18-276
	)	
Petitions for Limited Waiver of Rule 61.74(a)	)	WC Docket No. 17-308

COMMENTS OF VERIZON[1]

The Commission should adopt its proposals to remove two outdated regulatory burdens that serve no public policy purpose.[2] The rules prohibiting a company from cross-referencing its own or its affiliates' tariffs[3] and requiring the annual short-form tariff review plan[4] are unnecessary to protect consumers or competition, and they impose unnecessary administrative burdens. The Commission should eliminate them.

I. The Commission Should Amend the Cross-Referencing Rule

In 1940, when FDR was president and (as any Islanders fan knows) the New York Rangers won the Stanley Cup, prohibiting carriers from referencing other tariffs made sense. Then, before electronic filing, reviewing even just one tariff could be burdensome. Tariffs, as the

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[1] The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications, Inc.

[2] *See Reform of Certain Part 61 Tariff Rules*, *et al*., Notice of Proposed Rulemaking and Interim Waiver Order, WC Docket Nos. 18-276 & 17-308 (Oct. 18, 2018) ("*NPRM*" or "*Interim Waiver Order*").

[3] 47 CFR 61.74(a) ("Cross-Referencing Rule").

[4] 47 CFR 61.49(k).

Commission notes, were filed in hard copy, and external references in tariffs likely would cause confusion.[5]

But today with easy public access to tariff documents through the Commission's Electronic Tariff Filing System (ETFS), those concerns no longer exist. Interested parties easily can receive electronic notice of tariff filings, access any tariff filing through the Internet, and quickly search tariff documents electronically. If those tariff documents reference another tariff document, there is no burden associated with accessing and reviewing the other tariff. That's why the Wireline Competition Bureau routinely has granted requests for limited waiver of the Cross-Referencing Rule so parties can cross-reference their own tariffs or their affiliates' tariffs, and it's why the Commission issued the *Interim Waiver Order*.

The Commission's proposal retains the Cross-Referencing Rule's general prohibition but creates a new, limited exception for cross references to a carrier's own tariffs or its affiliates'.[6] Continuing to prohibit cross-referencing one's own tariffs serves no public-policy purpose. The general rule prohibiting cross references to other documents would remain.

The proposal would eliminate unnecessary administrative steps that do not benefit the public. When companies like ours have several tariffs covering different operating territories, we often cross-reference tariffs. For example, we offer discount plans that cross several tariffs. Under the current rules—which the Commission waived in the *Interim Waiver Order*—if a revision to Verizon F.C.C. Tariff No. 1 mentions Verizon F.C.C. Tariff No. 11, we would have to obtain permission from the Commission to refer to Tariff No. 11—and vice-versa. When applying for special permission, we must include a detailed description of the proposed tariff, a

[5] *NPRM* ¶ 4.
[6] *NPRM* ¶ 6.

statement citing the specific rules and the grounds on which waiver is sought, a showing of good cause, and illustrative tariff pages.[7] This creates unnecessary process steps that the Commission no longer should require.

The Cross-Referencing Rule also requires us to telegraph a planned tariff filing before we file it and risks potential delay. Eliminating the extra administrative steps would allow us to respond quicker to marketplace developments and customer demand in competitive marketplaces.

Our tariffed discount plans cover the relevant tariffs' entire operating territories, including both markets the Commission has found competitive and non-competitive. In those non-competitive areas, the detariffing the Commission has ordered is not on the horizon. So even after detariffing in competitive areas, the Cross-Referencing Rule would still require us to seek special permission to make changes to our territory-wide discount plans, which will remain tariffed in non-competitive areas. This means the special-permission process can slow our ability to respond to customer demand in competitive markets, even after they are detariffed.

II. The Commission Should Eliminate the Short Form Tariff Review Plan.

Like the prohibition against a carrier cross-referencing its own tariffs or its affiliates' tariffs, the rule requiring price-cap carriers to file an annual short form tariff review plan ("Short Form") is outdated and no longer serves a purpose.[8]

When the Commission first created the Short Form, it did so to give the Commission and interested parties 90 days to review supporting material for price-cap carriers' annual access filings, including that related to exogenous cost adjustments for regulatory fees,

[7] 47 CFR 61.17.
[8] *See NPRM* ¶ 8.

Telecommunications Relay Service (TRS) expenses, excess deferred taxes, and North American Numbering Plan (NANPA) expenses. All of the exogenous cost information, however, is contained in the carriers' annual July filing.

Over time, the Commission has relaxed the 90-day filing requirement. The Short Form today contains only information for the exogenous cost adjustments, and much of that information is not available early enough to make the Short Form filing. For example, annual factors set by the Commission that price-cap LECs use to compute exogenous cost—like the TRS factor, the exogenous cost factor, and the NANPA factor—typically are not available by the filing deadline. Recognizing that the information for the filing was insufficient, the Commission first reduced the filing window to 60 days before the annual filing, and then it reduced it to 45 days. No party objected to those waivers. And in each of the last two years, the Commission has waived the filing requirement entirely. This did not impede parties' ability to review the annual filings, and, again, no party objected to the complete waiver of the filing requirement.

Further, because the annual filing for price-cap LECs has become less complex over the years, parties today do not need early notice of the information contained in the Short Form. For example, the FCC has in recent years adopted rules that simplify the annual filing. Among them, the Commission has transitioned terminating end-office switching to bill-and-keep for price-cap LECs and has removed most of the demand from price caps for business data services. There also are far fewer oppositions today to the annual filing than there had been in the past. Given parties' experience since the Commission in 1996 first adopted the Short Form and the Commissions subsequent reforms, price-cap LECs' annual filings now generate little controversy if any.

Although the Short Form has outlived its usefulness, preparing the filing is burdensome. In past years we have hired a contractor to work on the Short Form. The data gathering, compiling the Short Form and workpapers, drafting and reviewing the Description and Justification, and filing the package in ETFS has required approximately 160 hours of work—or two weeks of labor hours for two full-time employees. These resources could be more efficiently deployed elsewhere.

CONCLUSION

The Commission should adopt its proposed changes to its Part 61 rules that would amend the Cross Referencing Rule and eliminate the Short Form.

Respectfully submitted,

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